



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Tuesday, May 19, 2009 at CRMC, Stedman Government Center, Wakefield, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chair
Paul Lemont, Vice Chair
Bruce Dawson
Russ Chateaufneuf, DEM

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeff Willis, Deputy Director
James Boyd, Coastal Policy Analyst
Janet Freedman, Coastal Geologist
Laura Ricketson Dwyer, Public Ed/Outreach Coord

OTHERS PRESENT

Wendy Waller
Doug Groff
Pam Rubinoff
Ames Colt

Brian Goldman, Legal Counsel

Call to Order. Mr. Tikoian called the meeting to order at 8:35 a.m.

The Chair asked for a motion to approve the March 17, 2009 meeting minutes.

*Mr. Lemont seconded by Mr. Dawson moved to approve the meeting minutes of March 17, 2009.
All voted in favor of the motion to approve.*

Mr. Tikoian asked Legal Counsel for a status report on the New Shoreham Harbor Ordinance and the agency's recent appeal and stay of Superior Court Judge Vogel's 2009 decision on the Champlin's marina issue. B. Goldman explained that a temporary stay of Judge Vogel's decision was granted and that any application received since the ordinance was adopted had not been acted upon (which was the position previously advised). Lastly, B. Goldman stated that in the interim the Town also revised their ordinance to make it clear that the ordinance did not apply to maintenance activities, therefore maintenance applications should be processed.

Item 4.A. MetroBay SAMP Hazards Chapter. J. Boyd presented the status of the Hazards Chapter to-date and noted that he hoped that the revisions made since the last subcommittee presentation could result in rule-making to begin. Some of the activities since the last presentation include: workshop help at East Providence City Hall soliciting comments; partnership meeting which discussed how staff addressed their last set of comments and which also resulted in sign-off by the four partner communities; and, a meeting with the Providence Foundation which resulted in no comments. To-date the MetroBay SAMP has completed (and adopted and implemented) the development of the Urban Coastal Greenway program; developed this Hazards chapter; has in-prep a working waterfronts and ports chapter, as well as a recreational uses chapter; and, through the chapter developments, is looking at possible revisions to the water type classifications.

Mr. Lemont noted that the shoreline adjacent to the area of the Squantum Club seemed to be improperly identified in accordance with chapter's identification scheme. J. Boyd agreed and will correct that oversight. Mr. Tikoian went over rule-making processes.

Mr. Lemont seconded by Mr. Dawson moved to approve the proposed chapter as revised and begin rule-making on same. All voted in favor of the motion to approve.

Item 4.B. Section 140 - Setbacks. G. Fugate explained that a clarification to the term minor modification was being proposed, consistent with the internal interpretation (ie: <25% increase). Mr. Chateaufeuf and B. Goldman offered editorial changes as follows:

140.E. The setback provisions do not apply to minor modifications or restoration of structures that conform with all other policies and standards of this program. For the purpose of this provision, minor modification shall be considered a less than 25% increase in the structural lot coverage as defined at § 300.3 where such and the minor modification does not encroach any further farther seaward.

Mr. Dawson seconded by Mr. Lemont moved to approve the proposed language as revised and begin rule-making on same. All voted in favor of the motion to approve.

Item 4.C. Section 300.4.D.3 – Recreational Boating Facilities. G. Fugate and J. Willis explained that the proposed revision adds a prohibition to clarify that residential boating facilities in Type 2 waters other than what is defined in the program are prohibited. The subcommittee discussed also revising the definition of residential boating facilities to accompany this proposal. The chairman asked B. Goldman to redraft this proposal and bring back to the subcommittee for review.

Item 4.D. Section 145 Climate Change and Sea Level Rise. J. Boyd presented the status of the revisions to this section that incorporate climate change and sea level rise. Together with the State Building Commissioner's office, RIEMA and URI, staff have been addressing issues such as freeboard; additional construction standards; clarified definitions; new findings and policies; and new coastal construction guidelines. G. Fugate added that these issues are also being addressed at the direction of a 2007 statute which requires that the Council and the State Building Commissioner's office work toward this effort. A discussion ensued on flood insurance requirements. G. Fugate stated that a scientific panel on sea level rise will be used to ground-truth the proposed policies that are currently in development, and that such an analysis will be forthcoming.

Mr. Tikoian noted that these revisions must be cognizant of current economic conditions, and asked staff to meet with as broad an array of interests as possible when developing regulations and standards, particularly RIBA and the insurance industry. He directed staff to hold workshops as well as one-on-one meetings to solicit many varied types of input from outside interests. Mr. Tikoian thanked staff on a good effort to-date and looked forward to seeing the finished product.

ADJOURNMENT. Mr. Chateaufeuf, seconded by Mr. Lemont moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:55 a.m.

Respectfully submitted by

DRAFT

Jeffrey M Willis, Deputy Director